



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/321,360

05/27/1999

MICHAEL F. GUHEEN

ACNR-P1029/01048-00/US

6371

89713

7590

07/08/2010

Accenture c/o Murabito, Hao & Bamed LLP
Two North Market Street, Third Floor
San Jose, CA 95113

EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

07/08/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/321,360	Applicant(s) GUHEEN ET AL.	
	Examiner AKIBA K. ROBINSON BOYCE	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/10/10 has been entered.

Status of Claims

2. Due to communications filed 5/10/10, the following is a non-final rejection. Claims 1, 7-13 have been amended. Claims 20-26 have been added. Claims 1-26 are pending in this application and have been examined on the merits. The previous rejection has been modified to reflect the claims as amended.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 20-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 20-26 are directed to a series of steps. In order for a series of steps to be considered a proper process under § 101, a claimed process must either: (1) tied to a

Art Unit: 3628

particular machine or apparatus, or (2) transforms a particular article to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). Thus, to qualify as patent eligible, these processes must positively recite the other statutory class to which it is tied (e.g., by identifying the apparatus the accomplishes the method steps), or positively recite the subject matter that is being transformed (e.g., by identifying the product or material that is changed to a different state). Claims 20-26 identify neither the apparatus performing the recited steps nor any transformation of underlying materials, and accordingly are directed to non-statutory subject matter.

Also noted in *Bilski* is the statement, "Process claim that recites fundamental principle, and that otherwise fails 'machine-or-transformation' test for whether such claim is drawn to patentable subject matter under 35 U.S.C. §101, is not rendered patent eligible by mere field-of-use limitations; another corollary to machine-or-transformation test is that recitation of specific machine or particular transformation of specific article does not transform unpatentable principle into patentable process if recited machine or transformation constitutes mere 'insignificant post- solution activity.'" (In re *Bilski*, 88 USPQ2d 1385, 1385 (Fed. Cir. 2008)) Examples of insignificant post-solution activity include data gathering and outputting. Furthermore, the machine or transformation must impose meaningful limits on the scope of the method claims in order to pass the machine-or-transformation test. Please refer to the USPTO's "Guidance for Examining Process Claims in view of In re *Bilski*" memorandum dated

Art Unit: 3628

January 7, 2009, http://www.uspto.gov/web/offices/pac/dapp/opla/documents/bilski_guidance_memo.pdf.

It is also noted that the mere recitation of a machine in the preamble in a manner such that the machine fails to patentably limit the scope of the claim does not make the claim statutory under 35 U.S.C. § 101, as seen in the Board of Patent Appeals Informative Opinion *Exparte Langemyr et al.* (Appeal 2008-1495), <http://www.uspto.gov/web/offices/dcom/bpai/its/fdO81495.pdf>.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being obvious over Rassman, et al (US Patent 4,937,743), and further in view of Turnbull (US Patent 5,208,765).

As per claims 1, 7, 13, Rassman, et al discloses:

displaying a pictorial representation of an existing system including a plurality of components, (Col. 2, lines 59-65, [information about available resources in a provided

Art Unit: 3628

database is being graphically displayed], Col. 14, lines 13-16, Fig. 7, [shows how resources 123, 233, 224 {which represent components} are displayed]);

identifying, from the plurality of components, a first component group containing additional components and a second component group containing optional components, the additional components being required for an implementation of the system, the optional components being optional for the implementation for the system, (Col. 8, lines 61-8, lines 8-36, shows primary and secondary resources, which represent first and second component groups, respectively. Specifically col. 8, lines 15-20 shows that during the display of primary resources, the display of several pieces of data relating to secondary resources can be made (secondary pieces of data represent additional components). Also, specifically, in col. 8, lines 20-36, the implementation of an application where the display of secondary resources can be employed to make additional options available, which represent the optional components);

compiling, by the processor...listing of additional components for implementation into the existing system/...compiles...listing of additional components for implementation into the existing system, (Col. 3, lines 7-11, [discloses that the resource information in the database can be updated to have or list the most recent data {resource information}], w/ col. 2, lines 8-17, shows use of project planners are well known where sequential scheduling of tasks are implemented);

determining a first set of the additional components for implementation in a first implementation phase/...determines a first set of the additional components for implementation in a first implementation phase, (Col. 4, lines 58-65, [resource

Art Unit: 3628

information in the primary database], (Col. 8, lines 8-10, [shows primary resource is planned according to a given block of time {phase} represented by a “cell”]);

determining a second set of additional components for implementation in a second implementation phase/...determines a second set of additional components for implementation in a second implementation phase, (Col. 4, line 66-Col. 5, line 8, [resource information in the secondary database], Col. 8, lines 21-24, [shows secondary resource is represented by a “cell”, which represents a given block of time {phase}]);

modifying, through the display adapter by the processor, the pictorial representation of the existing system to show a pictorial representation of the first set of components being indicia coded to indicate that they are to be delivered in the first phase/...modifies the pictorial representation of the first set of components being indicia coded to indicate that they are to be delivered in the first phase (Col. 3, lines 10-11, [displaying resource utilization for the most recent data after data in resource database is updated], Col. 6, lines 20-22 and lines 25-26, [shows that primary resources {first set of components} are displayed], Col. 14, lines 12-16 and Fig. 7, where the components [represented by resources] for the first phase are indicia coded by the vertical rectangles labeled “Y” One for phase one)

modifying, through the display adapter by the processor, the pictorial representation of the existing system to show a pictorial representation of the second set of components being indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in the second phase/...modifies the pictorial representation of the existing

Art Unit: 3628

system to show a pictorial representation of the second set of components being indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in the second phase, (Col. 3, lines 10-11, [displaying resource utilization for the most recent data after data in resource database is updated], Col. 6, lines 20-22, lines 27-36, [shows secondary resources are displayed], Col. 14, lines 12-16 and Fig. 7, where the components [represented by resources] for the second phase are indicia coded by the vertical rectangles labeled "Y" Two for phase two);

and that a proper functioning of the second set of components require an installation of the first set of components in the first phase, (Col. 11, lines 19-24, discloses the establishment of predetermined sequences, where it is necessary that one step be completed before the other).

In this particular claim, computer programs, code segment and logic, and a processor that executes computer-executable instructions for performing the logic are inherent with Rassman, et al's system because since he teaches that his method is carried out in a computer system, computer programs using code segments, logic, and a processor that executes computer-executable instructions for performing the logic is absolutely necessary for the computer to successfully process information and produce results.

The following is also inherent with Rassman, et al since this patent discloses the "management of a plurality of interrelated and interdependent resources using a computer system". In Web technology, a web architecture framework consists of a

Art Unit: 3628

plurality of interrelated and interdependent computer resources, both hardware and software:

a system for providing a web architecture framework...

Rassman et al fails to specifically disclose an ordered listing, the ordered listing providing an order that is required for installing the components in the web architecture framework, wherein the ordered listing comprises a sequential order for installing the additional components, but does disclose the establishment of predetermined sequences, where it is necessary that one step be completed before the other as shown in col. 11, lines 19-24.

However, Turnbull discloses:

an ordered listing, the ordered listing providing an order that is required for installing the components in the web architecture framework, wherein the ordered listing comprises a sequential order for installing the additional components, (Col. 4, lines 14-20, shows that any person desiring to know the status of product development/production can access the product control matrix 100, which informs the person of requirements that have been completed, which constitutes as the required requirements that have been completed for the development of products [which includes installation of components], also see Fig. 1, which shows an ordered listing of requirements for each stage, w/Col. 8 lines 55-64, shows 10 requirements for the product design stage, where these requirements must include information about products used for design, for example Packing Design is listed as one of the requirements. Although Turnbull shows that the requirements are not listed in a

Art Unit: 3628

chronological or sequential order in col. 9, lines 3-10, this passage also shows that this type of chronological listing is obvious since some requirements must be completed before others. Specifically, in this passage, Turnbull *shows that **to the extent possible**, the requirements are performed in parallel, but obviously, as described below, some requirements within a stage must be completed before initiation of other requirements within this stage. One important aspect of requirements 404-1 is that upon successful completion of requirements 404-1, all the basic work has been completed for initiation of requirements 404-2 in engineering samples stage 401-2.* Therefore, as requirements are listed, some of these requirements may not be in chronological order in some instances, but for certain requirements, where a stage must be completed before initiation of other requirements within the stage, it is obvious that these requirements are listed in chronological order, or at least appear, or are in an order as they are required to be completed for each stage, thereby making an ordered listing comprising a sequential order for installing additional components obvious. Turnbull discloses this limitation in an analogous art for the purpose of showing that requirements for developing a product [which includes component installation] are performed in a specific order.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize an ordered listing, where the ordered listing provides an order that is required for installing the components in the web architecture framework with the motivation of having the means to implement the development of products in a specific order.

As per claims 2, 8, 14, Rassman, et al discloses:

wherein a legend is presented which defines the indicia coding...(Col. 7, lines 11-18, Col. 8, lines 5-7 [indicia is being used to define an item]).

As per claims 3, 9, 15, Rassman, et al fails to teach wherein the components of the existing system are selected from the group of components including operation services and developer services. Rassman et al would have utilized operation services and developer services with the motivation of accurately scheduling, monitoring and managing resources of the system.

However Turnbull discloses wherein the components of the existing system are selected from the group of components including operation services and developer services in Col. 2, lines 27-30 in an analogous art for the purpose of properly operating on and developing the product in order to indicate the completion status.

It would have been obvious to one of ordinary skill in the art to select the components of the system from the group of components including operation services and developer services and incorporating these components from Turnbull into Rassman with the motivation of operating on and developing products so they can be successfully scheduled, monitored and managed.

As per claims 3, 9, 15, the following is inherent with Rassman, et al since this patent discloses the "management of a plurality of interrelated and interdependent resources using a computer system". In Web technology, a web architecture framework consists of a plurality of interrelated and interdependent computer resources, both hardware and software. It would therefore be inherent to incorporate hardware and

Art Unit: 3628

software components of web architecture since they can be managed and visually represented as described in Rassman:

a system for providing a web architecture framework...

As per claims 4, 10, 16 Rassman, et al discloses:

wherein the components of the existing system are selected from the group of components including...customer-related services...(Col. 4, lines 36-42, Col. 5, lines 51-53, [hospital services are customer-related where the patient is the customer]).

As per claims 5, 11, 17, Rassman, et al discloses:

wherein the indicia coding is selected from the group of indicia coding including texture coding, color coding...(Col. 6, lines 11-5).

As per claims 6, 12, 18, Rassman, et al discloses:

wherein the step of displaying a pictorial representation of an existing system including a plurality of components also includes displaying additional components that may be implemented into the system, (Col. 3, lines 10-11, [displaying resource utilization for the most recent data after data in resource database is updated]).

As per claims 6, 12, and 18 , the following is inherent with Rassman, et al since this patent discloses the “management of a plurality of interrelated and interdependent resources using a computer system”. In Web technology, a web architecture framework consists of a plurality of interrelated and interdependent computer resources, both hardware and software. It would therefore be inherent to incorporate hardware and software components of web architecture since they can be managed and visually represented as described in Rassman:

a system for providing a web architecture framework...

As per claim 19, Rassman et al discloses:

In response to (d), determining remaining components, (Col. 7, lines 55-57, [where it shows that the remaining operating rooms could be scheduled in a similar fashion as the first set of operating rooms in "Case abc"]);

Separating the remaining components into primary components and secondary components, wherein the primary components must be installed before the secondary components can function properly, (Col. 12, lines 19-25, [shows separation of primary and secondary resources by selecting certain resources as the primary and secondary resources])

Including the primary components in the first set of additional components/Including the secondary components in the second set of components, (col. 12, lines 25-31, [shows separation of primary or secondary resources by selecting certain resources as primary/secondary resources, where operating rooms O represents the primary component, and surgeon S, anesthesiologist, A, etc. represent the secondary component]).

As per claim 20, Rassman et al discloses:

identifying, within an electronic system, a first component group containing a plurality of additional components and a second component group containing a plurality of optional components, (Col. 8, lines 61-8, lines 8-36, shows primary and secondary resources, which represent first and second component groups, respectively.

Art Unit: 3628

Specifically col. 8, lines 15-20 shows that during the display of primary resources, the display of several pieces of data relating to secondary resources can be made (secondary pieces of data represent additional components). Also, specifically, in col. 8, lines 20-36, the implementation of an application where the display of secondary resources can be employed to make additional options available, which represent the optional components);

compiling a listing of said additional components for implementation into an existing system, (Col. 3, lines 7-11, [discloses that the resource information in the database can be updated to have or list the most recent data {resource information}], w/ col. 2, lines 8-17, shows use of project planners are well known where sequential scheduling of tasks are implemented);

determining a first set of said additional components for implementation in a first phase, (Col. 4, lines 58-65, [resource information in the primary database], (Col. 8, lines 8-10, [shows primary resource is planned according to a given block of time {phase} represented by a "cell"]));

determining a second set of said additional components for implementation in a second phase, wherein said first set is implemented before said second set, (Col. 4, line 66-Col. 5, line 8, [resource information in the secondary database], Col. 8, lines 21-24, [shows secondary resource is represented by a "cell", which represents a given block of time {phase}]);

displaying said first set of components with a first indicia coding indicating that said first set of components is to be delivered in said first phase, (Col. 3, lines 10-11,

Art Unit: 3628

[displaying resource utilization for the most recent data after data in resource database is updated], Col. 6, lines 20-22 and lines 25-26, [shows that primary resources {first set of components} are displayed], Col. 14, lines 12-16 and Fig. 7, where the components [represented by resources] for the first phase are indicia coded by the vertical rectangles labeled “Y” One for phase one); and

displaying said second set of components with a second indicia coding indicating that said second set of components is to be delivered in said second phase, (Col. 3, lines 10-11, [displaying resource utilization for the most recent data after data in resource database is updated], Col. 6, lines 20-22, lines 27-36, [shows secondary resources are displayed], Col. 14, lines 12-16 and Fig. 7, where the components [represented by resources] for the second phase are indicia coded by the vertical rectangles labeled “Y” Two for phase two);

. Rassman et al fails to specifically disclose an ordered listing, the ordered listing providing an order that is required for installing the components in the web architecture framework, wherein the ordered listing comprises a sequential order for installing the additional components, but does disclose the establishment of predetermined sequences, where it is necessary that one step be completed before the other as shown in col. 11, lines 19-24.

However, Turnbull discloses:

an ordered listing, the ordered listing providing an order that is required for installing the components in the web architecture framework, wherein the ordered listing comprises a sequential order for installing the additional components, (Col. 4, lines 14-

Art Unit: 3628

20, shows that any person desiring to know the status of product development/production can access the product control matrix 100, which informs the person of requirements that have been completed, which constitutes as the required requirements that have been completed for the development of products [which includes installation of components], also see Fig. 1, which shows an ordered listing of requirements for each stage, w/Col. 8 lines 55-64, shows 10 requirements for the product design stage, where these requirements must include information about products used for design, for example Packing Design is listed as one of the requirements. Although Turnbull shows that the requirements are not listed in a chronological or sequential order in col. 9, lines 3-10, this passage also shows that this type of chronological listing is obvious since some requirements must be completed before others. Specifically, in this passage, Turnbull *shows that **to the extent possible**, the requirements are performed in parallel, but obviously, as described below, some requirements within a stage must be completed before initiation of other requirements within this stage. One important aspect of requirements 404-1 is that upon successful completion of requirements 404-1, all the basic work has been completed for initiation of requirements 404-2 in engineering samples stage 401-2.* Therefore, as requirements are listed, some of these requirements may not be in chronological order in some instances, but for certain requirements, where a stage must be completed before initiation of other requirements within the stage, it is obvious that these requirements are listed in chronological order, or at least appear, or are in an order as they are required to be completed for each stage, thereby making an ordered listing

Art Unit: 3628

comprising a sequential order for installing additional components obvious. Turnbull discloses this limitation in an analogous art for the purpose of showing that requirements for developing a product [which includes component installation] are performed in a specific order.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize an ordered listing, where the ordered listing provides an order that is required for installing the components in the web architecture framework with the motivation of having the means to implement the development of products in a specific order.

As per claim 21, Rassman et al discloses:

displaying a pictorial representation of said existing system, (Col. 2, lines 59-65, [information about available resources in a provided database is being graphically displayed], Col. 14, lines 13-16, Fig. 7, [shows how resources 123, 233, 224 {which represent components} are displayed]);

.

As per claim 22, Rassman et al discloses:

wherein said additional components are required for an implementation of said system, (Col. 8, lines 61-8, lines 8-36, shows primary and secondary resources, which represent first and second component groups, respectively. Specifically col. 8, lines 15-20 shows

Art Unit: 3628

that during the display of primary resources, the display of several pieces of data relating to secondary resources can be made (secondary pieces of data represent additional components). Also, specifically, in col. 8, lines 20-36, the implementation of an application where the display of secondary resources can be employed to make additional options available, which represent the optional components);

.

As per claim 23, Rassman et al discloses:

wherein a proper functioning of said second set of components requires installation of said first set of components in said first phase, (Col. 11, lines 19-24, discloses the establishment of predetermined sequences, where it is necessary that one step be completed before the other).

.

As per claim 24, Rassman et al discloses:

displaying a legend which defines said indicia coding with respect to said phases of delivery of said components, (Col. 7, lines 11-18, Col. 8, lines 5-7 [indicia is being used to define an item]).

.

As per claim 25, Rassman et al discloses:

Art Unit: 3628

wherein said indicia coding is selected from the group consisting of , coding, color coding, and shading coding, ...(Col. 6, lines 11-5).

As per claim 26, Rassman et al does not specifically disclose displaying third indicia coding indicating a sequential order of installing said additional components, however, in col. 6, lines 6-8, shows that the availability and utilization of resources can be displayed as a function of time by use of "scheduling indicia". However, Turnbull, in the abstract, lines 4-13, shows that "each stage in turn includes a set of requirements which must be completed in order for the stage to be completed. Each requirement is provided with a unique identifier for ease of reference to the requirement. Each requirement also has associated with it an indicium for indicating the status of that requirement (i.e. whether the requirement is complete or not). Each stage and its requirements are capable of being visually displayed, typically on a display unit connected to a computer system". It therefore would be obvious to combine Rassman and Turnbull to disclose displaying third indicia coding indicating a sequential order of installing said additional components.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose displaying third indicia coding indicating a sequential order of installing said additional components with the motivation of showing a visual representation of the sequential ordering of installation.

Response to Arguments

7. Applicant's arguments in the response filed 5/10/10 have been fully considered but they are not persuasive.

Applicant argues that prior art does not teach an ordered listing comprising a sequential order for installing the additional components. However, as described above in the rejection, this limitation is obvious with the combination of Rassman, et al and further in view of Turnbull. Specifically, and as shown above in the rejection, Rassman et al discloses the establishment of predetermined sequences, where it is necessary that one step be completed before the other as shown in col. 11, lines 19-24. Turnbull was introduced to cure the deficiency of Rassman et al by showing this ordered listing comprising a sequential order for installing additional components. First, in Fig. 1 of Turnbull, an ordered listing of requirements for each stage is shown. Here, examiner interprets the listing of requirements for each stage as the sequential order for installing the additional components. Although Turnbull shows that the requirements are not listed in a chronological or sequential order in col. 9, lines 3-10, this passage also shows that this type of chronological listing is obvious since some requirements must be completed before others. Specifically, in this passage, Turnbull *shows that **to the extent possible**, the requirements are performed in parallel, but obviously, as described below, some requirements within a stage must be completed before initiation of other requirements within this stage. One important aspect of requirements 404-1 is that upon successful completion of requirements 404-1, all the basic work has been completed for initiation of requirements 404-2 in engineering samples stage 401-2.*

Art Unit: 3628

Therefore, as requirements are listed, some of these requirements may not be in chronological order in some instances, but for certain requirements, where a stage must be completed before initiation of other requirements within the stage, it is obvious that these requirements are listed in chronological order, or at least appear, or are in an order as they are required to be completed for each stage, thereby making an ordered listing comprising a sequential order for installing additional components obvious.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.
July 8, 2010

/Akiba K Robinson-Boyce/

Primary Examiner, Art Unit 3628